

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

United States of America,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No.
	)	
Ken Stanley d/b/a A+ Roofing,	)	
	)	
Defendant.	)	

**COMPLAINT**

The United States of America brings this action to enforce civil penalties totaling \$483,784.35 against the defendant, Ken Stanley d/b/a A+ Roofing. In support of its claims, the United States alleges as follows:

1. The plaintiff is the United States of America, on behalf of its agency, United States Department of Labor, Occupational Safety and Health Administration, hereinafter "OSHA".
2. The defendant is Ken Stanley d/b/a A+ Roofing with its principal place of business at 51 Charles Street, Milton, NH 03851.
3. This is a civil action to recover civil penalties owed by Ken Stanley d/b/a A+ Roofing following imposition of these civil penalties by the United States Department of Labor, Occupational Safety and Health Administration for employee and public safety violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, et seq., and regulations promulgated thereunder.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345, as well as 29 U.S.C. § 666(l).

5. Pursuant to 28 U.S.C. 1395(a), venue is proper in this judicial district.

COUNT I

6. On December 20, 2016, OSHA issued an administrative Citation and Notification of Penalty to Ken Stanley d/b/a A+ Roofing for violations of the Occupational Safety and Health Act of 1970. The violations were found at a work site located at 5 Longfellow Drive, Bethlehem, NH 03574 on or about June 23, 2016. The Inspection Number assigned is 1157149. A copy of the December 20, 2016 Citation and Notification of Penalty is attached as Exhibit A and is incorporated by reference.

7. The December 20, 2016, Citation and Notification of Penalty was received by Ken Stanley d/b/a A+ Roofing on December 28, 2016. A copy of the signed return receipt is attached as Exhibit B and is incorporated by reference.

8. The December 20, 2016, Citation and Notification of Penalty set forth the right of Ken Stanley d/b/a A+ Roofing to contest the citation and penalties.

9. Defendant failed to timely contest the citations or the penalties. By operation of law, where an administrative citation is not timely contested, the penalties become a final order of the Occupational Safety and Health Commission. 29 U.S.C. § 659(a). The time for Defendant to seek administrative or judicial review

has expired. *Id.* Because Defendant has failed to contest the citations and penalties, the penalties are final. *Id.*

10. On March 1, 2017, OSHA sent the defendant a demand letter, seeking payment of the penalty amounts plus interest and administrative charges, totaling \$129,456.78. The defendant did not respond. A copy of the letter is attached as Exhibit C and is incorporated by reference.

11. Section 666(l) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 666(l), provides that civil penalties imposed under the Act may be recovered in a civil action brought by the United States.

12. In judicial proceedings brought under Section 666(l), a defendant who failed to contest an OSHA citation is precluded from contesting the merits of the underlying violations. 29 U.S.C. § 659(b). Accordingly, this proceeding is in the nature of a civil collection action only, and the appropriateness of OSHA's underlying determination to impose the penalty is not subject to review.

13. As of this date, the defendant has failed or neglected to make full payment of the civil penalties assessed against Ken Stanley d/b/a A+ Roofing and is therefore indebted to the plaintiff in the amounts stated below. A Certificate of Indebtedness is attached as Exhibit D and is incorporated by reference.

### Count II

14. The United States realleges and incorporates paragraphs 1 through 5 above.

15. On March 22, 2017, OSHA issued an administrative Citation and Notification of Penalty to Ken Stanley d/b/a A+ Roofing for violations of the Occupational Safety and Health Act of 1970. The violations were found at a work site located at 5 Longfellow Drive, Bethlehem, NH 03574 on or about June 23, 2016. The Inspection Number assigned is 1157149. A copy of the March 22, 2017 Citation and Notification of Penalty is attached as Exhibit E and is incorporated by reference.

16. The March 22, 2017, Citation and Notification of Penalty was received by Ken Stanley d/b/a A+ Roofing on May 3, 2017. A copy of the UPS delivery notification is attached as Exhibit F and is incorporated by reference.

17. The March 22, 2017, Citation and Notification of Penalty set forth the right of Ken Stanley d/b/a A+ Roofing to contest the citation and penalties.

18. Defendant failed to timely contest the citations or the penalties. By operation of law, where an administrative citation is not timely contested, the penalties become a final order of the Occupational Safety and Health Commission. 29 U.S.C. § 659(a). The time for Defendant to seek administrative or judicial review has expired. *Id.* Because Defendant has failed to contest the citations and penalties, the penalties are final. *Id.*

19. On August 16, 2017, OSHA sent the defendant a demand letter, seeking payment of the penalty amounts plus interest and administrative charges,

totaling \$416.68. The defendant did not respond. A copy of the letter is attached as Exhibit G and is incorporated by reference.

20. Section 666(l) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 666(l), provides that civil penalties imposed under the Act may be recovered in a civil action brought by the United States.

21. In judicial proceedings brought under Section 666(l), a defendant who failed to contest an OSHA citation is precluded from contesting the merits of the underlying violations. 29 U.S.C. § 659(b). Accordingly, this proceeding is in the nature of a civil collection action only, and the appropriateness of OSHA's underlying determination to impose the penalty is not subject to review.

22. As of this date, the defendant has failed or neglected to make full payment of the civil penalties assessed against Ken Stanley d/b/a A+ Roofing, and is therefore indebted to the plaintiff in the amounts stated below. A Certificate of Indebtedness is attached as Exhibit H and is incorporated by reference.

### COUNT III

23. The United States realleges and incorporates paragraphs 1 through 5 above.

24. On December 20, 2016, OSHA issued an administrative Citation and Notification of Penalty to Ken Stanley d/b/a A+ Roofing for violations of the Occupational Safety and Health Act of 1970. The violations were found at work sites located at 33 & 38 Longfellow Drive, Bethlehem, NH 03574 on or about July 7,

2016. The Inspection Number assigned is 1165893. A copy of the December 20, 2016 Citation and Notification of Penalty is attached as Exhibit E and is incorporated by reference.

25. The December 20, 2016, Citation and Notification of Penalty was received by Ken Stanley d/b/a A+ Roofing on December 28, 2016. A copy of the signed return receipt is attached as Exhibit J and is incorporated by reference.

26. The December 20, 2016, Citation and Notification of Penalty set forth the right of Ken Stanley d/b/a A+ Roofing to contest the citation and penalties.

27. Defendant failed to timely contest the citations or the penalties. By operation of law, where an administrative citation is not timely contested, the penalties become a final order of the Occupational Safety and Health Commission. 29 U.S.C. § 659(a). The time for Defendant to seek administrative or judicial review has expired. *Id.* Because Defendant has failed to contest the citations and penalties, the penalties are final. *Id.*

28. On March 1, 2017, OSHA sent the defendant a demand letter, seeking payment of the penalty amounts plus interest and administrative charges, totaling \$174,959.67. The defendant did not respond. A copy of the letter is attached as Exhibit K and is incorporated by reference.

29. Section 666(l) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 666(l), provides that civil penalties imposed under the Act may be recovered in a civil action brought by the United States.

30. In judicial proceedings brought under Section 666(l), a defendant who failed to contest an OSHA citation is precluded from contesting the merits of the underlying violations. 29 U.S.C. § 659(b). Accordingly, this proceeding is in the nature of a civil collection action only, and the appropriateness of OSHA's underlying determination to impose the penalty is not subject to review.

31. As of this date, the defendant has failed or neglected to make full payment of the civil penalties assessed against Ken Stanley d/b/a A+ Roofing and is therefore indebted to the plaintiff in the amounts stated below. A Certificate of Indebtedness is attached as Exhibit H and is incorporated by reference.

#### COUNT IV

32. The United States realleges and incorporates paragraphs 1 through 5 above.

33. On March 22, 2017, OSHA issued an administrative Citation and Notification of Penalty to Ken Stanley d/b/a A+ Roofing for violations of the Occupational Safety and Health Act of 1970. The violations were found at work sites located at 33 & 38 Longfellow Drive, Bethlehem, NH 03574 on or about July 7, 2016. The Inspection Number assigned is 1165893. A copy of the March 22, 2017 Citation and Notification of Penalty is attached as Exhibit M and is incorporated by reference.

34. The March 22, 2017, Citation and Notification of Penalty was received by Ken Stanley d/b/a A+ Roofing on May 3, 2017. A copy of the UPS delivery notification is attached as Exhibit N and is incorporated by reference.

35. The March 22, 2017, Citation and Notification of Penalty set forth the right of Ken Stanley d/b/a A+ Roofing to contest the citation and penalties.

36. Defendant failed to timely contest the citations or the penalties. By operation of law, where an administrative citation is not timely contested, the penalties become a final order of the Occupational Safety and Health Commission. 29 U.S.C. § 659(a). The time for Defendant to seek administrative or judicial review has expired. *Id.* Because Defendant has failed to contest the citations and penalties, the penalties are final. *Id.*

37. On August 16, 2017, OSHA sent the defendant a demand letter, seeking payment of the penalty amounts plus interest and administrative charges, totaling \$416.68. The defendant did not respond. A copy of the letter is attached as Exhibit O and is incorporated by reference.

38. Section 666(l) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 666(l), provides that civil penalties imposed under the Act may be recovered in a civil action brought by the United States.

39. In judicial proceedings brought under Section 666(l), a defendant who failed to contest an OSHA citation is precluded from contesting the merits of the underlying violations. 29 U.S.C. § 659(b). Accordingly, this proceeding is in the



nature of a civil collection action only, and the appropriateness of OSHA's underlying determination to impose the penalty is not subject to review.

40. As of this date, the defendant has failed or neglected to make full payment of the civil penalties assessed against Ken Stanley d/b/a A+ Roofing, and is therefore indebted to the plaintiff in the amounts stated below. A Certificate of Indebtedness is attached as Exhibit L and is incorporated by reference.

REQUEST FOR RELIEF

THEREFORE, the United States requests that this Court:

a. Enter judgment for the Plaintiff on Count I the Complaint in the amount of \$205,168.27 (including principal of \$129,339.00, interest through February 4, 2020, of \$3,482.11, administrative charges of \$20.00, penalty charges of \$20,245.98, Treasury and Department of Justice fees of \$52,081.18), plus interest from the date of judgment at the legal rate until this debt is paid in full;

b. Enter judgment for the Plaintiff on Count II of the Complaint in the amount of \$668.43 (including principal of \$406.00, interest through February 4, 2020, of \$10.69, administrative charges of \$20.00, penalty charges of \$62.06, Treasury and Department of Justice fees of \$169.68), plus interest from the date of judgment at the legal rate until this debt is paid in full;

c. Enter judgment for the Plaintiff on Count III of the Complaint in the amount of \$277,279.22 (including principal of \$174,804.00, interest through February 4, 2020, of \$4,706.14, administrative charges of \$20.00, penalty charges of

\$27,362.81, Treasury and Department of Justice fees of \$70,386.27), plus interest from the date of judgment at the legal rate until this debt is paid in full;

d. Enter judgment for the Plaintiff on Count IV of the Complaint in the amount of \$668.43 (including principal of \$406.00, interest through February 4, 2020, of \$10.69, administrative charges of \$20.00, penalty charges of \$62.06, Treasury and Department of Justice fees of \$169.68), plus interest from the date of judgment at the legal rate until this debt is paid in full;

e. Award the Plaintiff all costs and attorney's fee associated with this suit;  
and

f. Grant such other and further relief as is just and proper.

Respectfully submitted,

SCOTT W. MURRAY  
United States Attorney

By: /s/Michael T. McCormack  
Michael T. McCormack (16470)  
Assistant United States Attorney  
United States Attorney's Office  
53 Pleasant Street, 4<sup>th</sup> Floor  
Concord, NH 03301  
(603) 225-1552  
[Michael.McCormack2@usdoj.gov](mailto:Michael.McCormack2@usdoj.gov)

Dated: February 6, 2020

# EXHIBIT A

**U.S. Department of Labor**  
 Occupational Safety and Health Administration  
 53 Pleasant Street, Room 3901  
 J.C. Cleveland Federal Bldg.  
 Concord, NH 03301  
 Phone: 603-225-1629 Fax: 603-225-1580



## Citation and Notification of Penalty

**To:**  
 Ken Stanley, dba A+ Roofing  
 and its successors  
 P.O. Box 983  
 51 Charles St.  
 Milton, NH 03851

**Inspection Site:**  
 5 Longfellow Drive  
 Bethlehem, NH 03574

**Inspection Number:** 1157149  
**Inspection Date(s):** 06/23/2016 - 06/23/2016  
**Issuance Date:** 12/20/2016

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as Serious and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/20/2016. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

# **CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1157149**

Company Name: Ken Stanley , dba A+ Roofing  
 Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574  
 Issuance Date: 12/20/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor -- Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Typed or Printed Name

\_\_\_\_\_  
 Title

**NOTE:** 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 1 Item 1a** Type of Violation: **Serious**

29 CFR 1926.451(b)(2)(i): Each ladder jack scaffold, top plate bracket scaffold, roof bracket scaffold, and pump jack scaffold was not at least 12 inches (30 cm) wide:

a. Site - On or about June 23, 2016, the planks on the ladder-jack scaffold were 10 1/2 inches wide.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on June 23, 2016, when employees were working on a platform which was not 12 inches wide at 5 Longfellow Drive, Bethlehem, NH 03574.

To abate this violation, the employer must ensure that all ladder jack scaffolds are at least 12 inches wide.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$5487.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

**Citation 1 Item 1b** Type of Violation: **Serious**

29 CFR 1926.451(b)(5)(i): The end of the platform 10 feet or less in length extended over its support more than 12 inches, and was not designed and installed so that the cantilevered portion of the platform was able to support employees and/or materials without tipping, or had guardrails which blocked employee access to the cantilevered end.

- a. Site - On or about June 23 2016, the scaffolding plank extended three to five feet past the ladder-jack support.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on June 23 2016, when employees were working on unsecured scaffold planking which extended three to five feet past the ladder-jack support at 5 Longfellow Drive, Bethlehem, NH.

*To abate this violation, the employer must ensure that the end of platforms 10 feet or less in length extend over its support more than 12 inches, and is designed and installed so that the cantilevered portion of the platform is able to support employees and/or materials without tipping, or has guardrails which block employee access to the cantilevered end.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/27/2016

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

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U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

**Citation 2 Item 1** Type of Violation: **Willful**

29 CFR 1926.100(a): At this job site, employees exposed to possible head injury from falling or flying objects or from impact with hand tools, equipment and building materials during construction operations were not wearing hard hats.

a. Site- Employees working from the ground, underneath roof eaves and scaffolding, are not protected from overhead struck by hazards where head protection is not worn at the site.

The employer routinely fails to assure effective protection against head injury as required by the standard, as demonstrated on June 23, 2016, when employees were working from the ground, underneath roof eaves and scaffolding, were not protected from overhead struck by hazards where head protection was not worn at the site at 5 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBA A+ previously committed a willful violation of this standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH which was contained in OSHA inspection number 980629.*

*Ken Stanley DBA A+ previously committed a serious violation of this standard on January 6, 2004, with respect to a workplace located at 338 Route 4, Northwood, NH, 03261 which was contained in OSHA inspection number 306944810.*

*To abate this violation, the employer must ensure employees are protected from head injury with adequate head protection.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from head injury.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$47032.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 2 Item 2a** Type of Violation: **Willful**

29 CFR 1926.451(g)(1)(i): Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold was not protected by a personal fall arrest system:

This violation was most recently observed on 06/23/2016, at a jobsite located at 5 Longfellow Drive, Bethlehem, NH, 03574, when (A) Employees were exposed to a fall hazard while working from the ladder-jack scaffolding without fall protection.

a. Site- Employees working from a ladder jack scaffold are exposed to falls where fall protection not utilized.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on July 7, 2016, when employees working from a ladder jack scaffold were exposed to falls fall protection was not utilized at 5 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBA A+ previously committed a serious violation of this standard on August 6, 2013, with respect to a workplace located at 121 Winchester Street, Keene, NH 03431 which was contained in OSHA inspection number 928024.*

*To abate this violation, the employer must ensure that all employees are adequately protected from falls while working on ladder jack scaffolds.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$54872.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

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**Citation 2 Item 2b** Type of Violation: **Willful**

29 CFR 1926.501(b)(13): Employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net systems or personal fall arrest systems:

a. Site- Employees working from the roof are exposed to a falls where fall protection is not utilized.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on June 23, 2016, when employees working from a roof were exposed to falls where personal fall arrest equipment was not utilized at 5 Longfellow Drive, Bethlehem, NH.

*Ken Stanley and Gwen Lancey DBA GL A Plus Exteriors previously committed a willful violation of this standard on October 10, 2014, with respect to a workplace located at 14 Tri City Road, Somersworth, NH 03878 which was contained in OSHA inspection number 1000071.*

*Ken Stanley DBA A+ Roofing previously committed a willful violation of a similar standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH 03878 which was contained in OSHA inspection number 980629.*

*Ken Stanley DBA A+ Roofing previously committed a repeat violation of a similar standard on August 6, 2013, with respect to a workplace located at 121 Winchester Street, Keene, NH 03431 which was contained in OSHA inspection number 928024.*

*Ken Stanley DBA A+ Roofing previously committed a repeat violation of a similar standard on April 18, 2012, with respect to a workplace located at White Mountain Hwy. North Conway, NH 03860 which was contained in OSHA inspection number 399082.*

(continued on next page)

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

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*(continued from previous page)*

*Ken Stanley DBAA+ Roofing previously committed a serious violation of a similar standard on August 23, 2011, with respect to a workplace located at Main Street and Winter Street, Haverhill, MA 01830 which was contained in OSHA inspection number 315790758.*

*Ken Stanley DBAA+ previously committed a serious violation of a similar standard on February 25, 2004, with respect to a workplace located at 1 Bousch Street, Kittery, ME 03904 which was contained in OSHA inspection number 113797872.*

*Ken Stanley DBAA+ Roofing previously committed a serious violation of a similar standard on January 6, 2004, with respect to a workplace located at 338 Route 4, Northwood, NH 03261 which was contained in OSHA inspection number 306944810.*

*To abate this violation, the employer must ensure that all employees are adequately protected from falls while working on roofs.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/27/2016

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Page 11 of 16

OSHA-2



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley , dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

**Citation 3 Item 1** Type of Violation: **Repeat**

29 CFR 1926.451(e)(1): Where scaffold platforms were more than 2 feet above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers, stairway-type ladders, ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface was not used for access:

a. Site - On or about June 23, 2016, employees did not have a ladder to access the ladder-jack scaffolding.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on June 23, 2016, employees did not have a ladder to access the ladder jack scaffold and were exposed to a fall hazard at 5 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBA A+ Roofing previously committed a serious violation of a similar standard on August 6, 2013, with respect to a workplace located at 121 Winchester Street, Keene, NH 03431 which was contained in OSHA inspection number 928024.*

*To abate this violation, the employer must ensure that all employees are adequately protected from falls while accessing ladder jack scaffolds.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$10974.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

**Citation 3 Item 2** Type of Violation: **Repeat**

29 CFR 1926.503(a)(1): The employer did not train each employee who might be exposed to fall hazards to enable them to recognize fall hazards and the procedures to be followed in order to minimize these hazards:

a. Site - On or about June 23, 2016, employees exposed to a fall hazard are not provided with fall protection training from the employer.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on June 23, 2016, when employees exposed to a fall hazard are not provided with fall protection training from the employer at 5 Longfellow Drive, Bethlehem, NH.

*Ken Stanley and Gwen Lancey DBA GL A Plus Exteriors previously committed a serious violation of this standard on October 10, 2014, with respect to a workplace located at 14 Tri City Road, Somersworth, NH 03878 which was contained in OSHA inspection number 1000071.*

*Ken Stanley DBA A+ Roofing previously committed a serious violation of a similar standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH 03878 which was contained in OSHA inspection number 980629.*

*Ken Stanley DBA A+ Roofing previously committed a serious violation of this standard on January 6, 2004, with respect to a workplace located at 338 Route 4, Northwood, NH 03261 which was contained in OSHA inspection number 306944810.*

*(continued on next page)*

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Page 13 of 16

OSHA-2



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley , dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

*(continued from previous page)*

*To abate this violation, the employer must ensure that each employee who is exposed to fall hazards is trained to recognize fall hazards and the procedures to be followed in order to minimize these hazards.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$10974.00

A handwritten signature in cursive script that reads "Rosemarie O. Cole".

Rosemarie O. Cole  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

Company Name: Ken Stanley , dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574  
Issuance Date: 12/20/2016

Summary of Penalties for Inspection Number	1157149
Citation 1, Serious	\$5487.00
Citation 2, Willful	\$101904.00
Citation 3, Repeat	\$21948.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$129339.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Rosemarie O. Cole

Rosemarie O. Cole  
Area Director

12/20/16  
Date

# EXHIBIT B

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

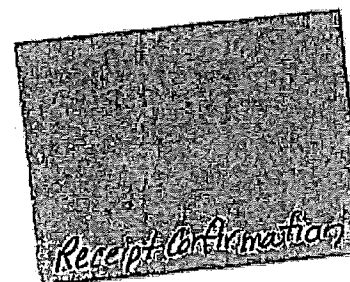
Sent To **Ken Stanley**

**A+ Roofing**

Street and Apt. **P. O. Box 983**

City, State, ZIP+4® **Milton NH 03851**

PS Form 3800, April 2015 PSN 7533-02-000-9047 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>X</i> <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Ken Stanley</i> C. Date of Delivery <i>12-28-16</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><b>Ken Stanley</b>  <b>A+ Roofing</b>  <b>P. O. Box 983</b>  <b>Milton, NH 03851</b></p> <p>Barcode: 9590 9403 0314 5155 9363 86</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail™ <input type="checkbox"/> All Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p><b>7016 1970 0001 1865 3621</b></p>	<p>Domestic Return Receipt</p>

PS Form 3811, April 2015 PSN 7530-02-000-9053

# EXHIBIT C

**U.S. Department of Labor**

Occupational Safety and Health Administration  
53 Pleasant Street Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



March 01, 2017

Ken Stanley, dba A+ Roofing  
P.O. Box 983  
51 Charles St.  
Milton, NH 03851

Inspection Number : 1157149  
Due Date : 01/23/2017  
Delinquent Date : 02/23/2017

Dear Employer:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on 12/20/2016. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six (6) percent a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the U.S. Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid:	\$0.00
The current unpaid balance of the total penalty assessed is:	\$129,339.00
The current total of interest accrued is:	\$107.78
The current total delinquent is:	\$0.00
The current charge for administrative cost is:	\$10.00
<b>TOTAL AMOUNT NOW DUE :</b>	<b>\$129,456.78</b>

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is as follows:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact your local OSHA Area Office in the header section above.

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

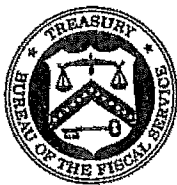
Sincerely,

*Rosemarie O. Cole*

Rosemarie O. Cole  
Area Director



# EXHIBIT D



DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address (es):

Kenneth Stanley (d.b.a. A-Plus Roofing)  
51 Charles Street  
Milton, NH 03851

Treasury Claim No. TRFM1702055215

Total debt due United States as of February 4, 2020:

Principal: \$129,339.00

Interest (@1.0%): \$ 3,482.11

Penalty (@6.0%): \$ 20,245.98

Admin.: \$ 20.00

Treasury & DOJ fees: \$ 52,081.18

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527)

TOTAL: \$205,168.27

I certify that the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with seven workplace safety violations under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq. and OSHA regulations at 29 C.F.R. 1926 as noted during a June 23, 2016 OSHA inspection of debtor's 5 Longfellow Drive, Bethlehem, New Hampshire work-site.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Department of Labor, Occupational Safety and Health Administration.

Date:

2/4/20

Regina Crisafulli

Financial Program Specialist

U.S. Department of the Treasury

Bureau of the Fiscal Service

# EXHIBIT E

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## Citation and Notification of Penalty

**To:**  
Ken Stanley, dba A+ Roofing  
and its successors  
P.O. Box 983  
51 Charles St.  
Milton, NH 03851

**Inspection Site:**  
5 Longfellow Drive  
Bethlehem, NH 03574

**Inspection Number:** 1157149  
**Inspection Date(s):** 06/23/2016 - 06/23/2016  
**Issuance Date:** 03/22/2017

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For *Willful and Repeat* violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as *Serious* and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/22/2017. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET****Inspection Number: 1157149**

Company Name: Ken Stanley, dba A+ Roofing  
 Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574  
 Issuance Date: 03/22/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor -- Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Typed or Printed Name

\_\_\_\_\_  
 Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1157149  
Inspection Date(s): 06/23/2016 - 06/23/2016  
Issuance Date: 03/22/2017



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574

**Citation 4 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1903.19(c)(1): Within 10 calendar days after the abatement date, the employer must certify to OSHA (the Agency) that each cited violation has been abated, except as provided in paragraph (c)(2) of this section:

- a. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 1 Item 1a, nor did they respond to the progress report letter sent March 2, 2017.
- b. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 1 Item 1b, nor did they respond to the progress report letter sent March 2, 2017.
- c. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 2 Item 1, nor did they respond to the progress report letter sent March 2, 2017.
- d. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 2 Item 2a, nor did they respond to the progress report letter sent March 2, 2017.
- e. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 2 Item 2b, nor did they respond to the progress report letter sent March 2, 2017.
- f. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 3 Item 1 nor did they respond to the progress report letter sent March 2, 2017.

(Continued on the next page)

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1157149  
**Inspection Date(s):** 06/23/2016 - 06/23/2016  
**Issuance Date:** 03/22/2017



**Citation and Notification of Penalty**

**Company Name:** Ken Stanley, dba A+ Roofing  
**Inspection Site:** 5 Longfellow Drive, Bethlehem, NH 03574

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(Continued from the previous page)

g. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 3 Item 2 nor did they respond to the progress report letter sent March 2, 2017.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**03/28/2017**  
**\$406.00**

A handwritten signature in cursive script, reading 'Rosemarie O. Cole', written over a horizontal line.

**Rosemarie O. Cole**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 5 Longfellow Drive, Bethlehem, NH 03574  
Issuance Date: 03/22/2017

Summary of Penalties for Inspection Number	1157149
Citation 4, Other-than-Serious	\$406.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$406.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Rosemarie O. Cole  
 Rosemarie O. Cole  
 Area Director

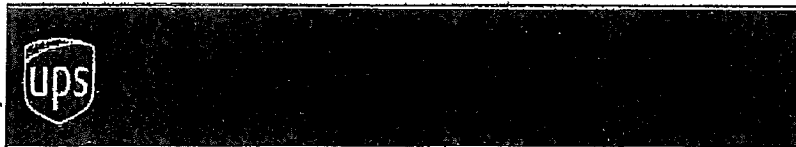
3/22/17  
 Date

# EXHIBIT F

**Kidder, Chris - OSHA**

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**From:** UPS Quantum View <pkginfo@ups.com>  
**Sent:** Wednesday, May 03, 2017 10:23 AM  
**To:** Kidder, Chris - OSHA  
**Subject:** UPS Delivery Notification, Tracking Number 1ZX105W30398226546



**Your package has been delivered.**

**Delivery Date:** Wednesday, 05/03/2017

**Delivery Time:** 10:20 AM



[Set Delivery  
Instructions](#)

[Track Package  
Status](#)

[View Delivery  
Planner](#)

At the request of DOL-OSHA-REG1-FA0104 this notice alerts you that the status of the shipment listed below has changed.

## Shipment Detail

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<b>Tracking Number:</b>	<b><u>1ZX105W30398226546</u></b>
<b>Ship To:</b>	A+ Roofing 51 CHARLES ST MILTON, NH 03851 US
<b>UPS Service:</b>	UPS GROUND
<b>Number of Packages:</b>	1
<b>Package Weight:</b>	1.0 LBS
<b>Delivery Location:</b>	PORCH
<b>Reference Number 1:</b>	#s 1157149 and 1165893

# EXHIBIT G

## U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration  
 J. C. Cleveland Federal Building  
 53 Pleasant St., Room 3901  
 Concord, New Hampshire 03301  
 Telephone: (603) 225-1629  
 FAX: (603) 225-1580



August 16, 2017

Ken Stanley, dba A+ Roofing  
 P.O. Box 983  
 51 Charles St.  
 Milton, NH 03851

Inspection Number : 1157149  
 Due Date : 05/25/2017  
 Delinquent Date : 06/25/2017

Dear Mr. Stanley:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on 12/20/2016. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six (6) percent a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the U.S. Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid:	\$0.00
The current unpaid balance of the total penalty assessed is:	\$406.00
The current total of interest accrued is:	\$0.68
The current total delinquent is:	\$0.00
The current charge for administrative cost is:	\$10.00
<b>TOTAL AMOUNT NOW DUE :</b>	<b>\$416.68</b>





Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the [pay.gov](http://pay.gov) homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is as follows:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact your local OSHA Area Office in the header section above.

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,



Rosemarie O. Cole  
Area Director

# EXHIBIT H



DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address (es):

Kenneth Stanley (d.b.a. A-Plus Roofing)  
51 Charles Street  
Milton, NH 03851

Treasury Claim No. TRFM22692201

Total debt due United States as of February 4, 2020:

Principal: \$406.00  
Interest (@1.0%,): \$ 10.69  
Penalty (@6.0%,): \$ 62.06.  
Admin.: \$ 20.00  
Treasury & DOJ fees: \$ 169.68  
(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527)  
TOTAL: \$668.43

I certify that the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with one workplace safety violation under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq. and OSHA regulations at 29 C.F.R. 1926 as noted during a June 23, 2016 OSHA inspection of debtor's 5 Longfellow Drive, Bethlehem, New Hampshire work-site.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Department of Labor, Occupational Safety and Health Administration.

Date:

2/4/20

A handwritten signature in black ink, appearing to read "Regina Crisafulli", is written over a horizontal line.

Regina Crisafulli

Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

# EXHIBIT I

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## Citation and Notification of Penalty

**To:**  
Ken Stanley, dba A+ Roofing  
and its successors  
P.O. Box 983  
51 Charles St.  
Milton, NH 03851

**Inspection Site:**  
33 and 38 Longfellow Drive  
Bethlehem, NH 03574

**Inspection Number:** 1165893  
**Inspection Date(s):** 07/07/2016 - 07/07/2016  
**Issuance Date:** 12/20/2016

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as Serious and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/20/2016. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1165893**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574  
Issuance Date: 12/20/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor - Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Title

**NOTE:** 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.1053(b)(4): Ladder(s) were used for purposes other than the purpose for which they were designed:

a. Site- An employee working from an aluminum extension ladder is exposed to a fall hazard where the employee is only using the fly section of the extension ladder which is not intended to be supported from the ground.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on July 7, 2016, when employees were working from an aluminum extension ladder where the employee was only using the fly section of the extension ladder, which is not intended to be supported from the ground at 38 Longfellow Drive, Bethlehem, NH 03574.

*To abate this violation, the employer must ensure that all ladders are used for the purposes for which they were designed.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$3920.00

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

**Citation 2 Item 1** Type of Violation: **Willful**

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets:

a. Site- Employees working from the ground, underneath roof eaves and scaffolding, are not protected from overhead struck by hazards where head protection is not worn at the site.

The employer routinely fails to assure effective protection against head injury as required by the standard, as demonstrated on July 7, 2016, when employees were working from the ground, underneath roof eaves and scaffolding, were not protected from overhead struck by hazards where head protection was not worn at the site at 33 and 38 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBAA+ previously committed a willful violation of this standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH which was contained in OSHA inspection number 980629.*

*Ken Stanley DBAA+ previously committed a serious violation of this standard on January 6, 2004, with respect to a workplace located at 338 Route 4, Northwood, NH, 03261 which was contained in OSHA inspection number 306944810.*

*To abate this violation, the employer must ensure employees are protected from head injury with adequate head protection.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from head injury.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$47032.00

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley , dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

**Citation 2 Item 2** Type of Violation: **Willful**

29 CFR 1926.102(a)(1): Eye and face protective equipment were not used when machines or operations presented potential eye or face injury from physical, chemical, or radiation agents:

a. Site- Employees operating pneumatic nail guns are not protected from eye injuries where eye protection is not worn.

The employer routinely fails to assure effective protection against eye injuries as required by the standard, as demonstrated on July 7, 2016, when employees were operating pneumatic nail guns where eye protection was not worn at the site at 38 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBA A+ previously committed a serious violation of this standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH which was contained in OSHA inspection number 980629.*

*Ken Stanley and Gwen Lancey DBA GL A Plus Exteriors previously committed a serious violation of this standard on December 19, 2014, with respect to a workplace located at N. Lowell Road, Windham, NH 03087 which was contained in OSHA inspection number 1014888.*

*To abate this violation, the employer must ensure employees are protected from eye injury with adequate eye protection.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from eye injuries.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$47032.00

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 2 Item 3a** Type of Violation: **Willful**

29 CFR 1926.451(g)(1)(i): Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold was not protected by a personal fall arrest system:

a. Site- Employees working from a ladder jack scaffold are exposed to a fall of approximately 18 feet where personal fall arrest equipment is not utilized.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on July 7, 2016, when employees working from a ladder jack scaffold were exposed to a fall of approximately 18 feet where personal fall arrest equipment was not utilized at 38 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBA A+ previously committed a serious violation of this standard on August 6, 2013, with respect to a workplace located at 121 Winchester Street, Keene, NH 03431 which was contained in OSHA inspection number 928024.*

*To abate this violation, the employer must ensure that all employees are adequately protected from falls while working on ladder jack scaffolds.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$54872.00

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

**Citation 2 Item 3b Type of Violation: **Willful****

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

a. Site- Employees working from the roof are exposed to a fall of approximately 18 feet where fall protection is not utilized.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on July 7, 2016, when employees working from a roof were exposed to a fall of approximately 18 feet where personal fall arrest equipment was not utilized at 33 and 28 Longfellow Drive, Bethlehem, NH.

*Ken Stanley and Gwen Lancey DBA G.L. A Plus Exteriors previously committed a willful violation of this standard on October 10, 2014, with respect to a workplace located at 14 Tri City Road, Somersworth, NH 03878 which was contained in OSHA inspection number 1000071.*

*Ken Stanley DBA A+ Roofing previously committed a willful violation of a similar standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH 03878 which was contained in OSHA inspection number 980629.*

*Ken Stanley DBA A+ Roofing previously committed a repeat violation of a similar standard on August 6, 2013, with respect to a workplace located at 121 Winchester Street, Keene, NH 03431 which was contained in OSHA inspection number 928024.*

*Ken Stanley DBA A+ Roofing previously committed a repeat violation of a similar standard on April 18, 2012, with respect to a workplace located at White Mountain Hwy. North Conway, NH 03860 which was contained in OSHA inspection number 399082.*

*(continued on next page)*



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

*(continued from previous page)*

*Ken Stanley DBA A+ Roofing previously committed a serious violation of a similar standard on August 23, 2011, with respect to a workplace located at Main Street and Winter Street, Haverhill, MA 01830 which was contained in OSHA inspection number 315790758.*

*Ken Stanley DBA A+ previously committed a serious violation of a similar standard on February 25, 2004, with respect to a workplace located at 1 Bousch Street, Kittery, ME 03904 which was contained in OSHA inspection number 113797872.*

*Ken Stanley DBA A+ Roofing previously committed a serious violation of a similar standard on January 6, 2004, with respect to a workplace located at 338 Route 4, Northwood, NH 03261 which was contained in OSHA inspection number 306944810.*

*To abate this violation, the employer must ensure that all employees are adequately protected from falls while working on roofs.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/27/2016

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

Citation 3 Item 1 Type of Violation: **Repeat**

29 CFR 1926.451(e)(1): When scaffold platforms were more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from other scaffold, structure, personnel hoist, or similar surface was not used:

a. Site- Employees accessing a ladder jack scaffold from an aluminum extension ladder supporting the ladder jack scaffold was exposed to a fall hazard where a separate access ladder is not utilized.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on July 7, 2016, when employees accessing a ladder jack scaffold from an aluminum extension ladder supporting the ladder jack scaffold was exposed to a fall hazard where a separate access ladder was not utilized at 38 Longfellow Drive, Bethlehem, NH.

*Ken Stanley DBA A+ Roofing previously committed a serious violation of a similar standard on August 6, 2013, with respect to a workplace located at 121 Winchester Street, Keene, NH 03431 which was contained in OSHA inspection number 928024.*

*To abate this violation, the employer must ensure that all employees are adequately protected from falls while accessing ladder jack scaffolds.*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/27/2016  
\$10974.00



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

Citation 3 Item 2 Type of Violation: **Repeat**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

- a. Site- Employees exposed to a fall hazard are not provided with fall protection training from the employer.

The employer routinely fails to assure effective protection against falls as required by the standard, as demonstrated on July 7, 2016, when employees exposed to a fall hazard are not provided with fall protection training from the employer at 33 and 28 Longfellow Drive, Bethlehem, NH.

*Ken Stanley and Gwen Lancey DBA GLA Plus Exteriors previously committed a serious violation of this standard on October 10, 2014, with respect to a workplace located at 14 Tri City Road, Somersworth, NH 03878 which was contained in OSHA inspection number 1000071.*

*Ken Stanley DBA A+ Roofing previously committed a serious violation of a similar standard on June 12, 2014, with respect to a workplace located at 481 High Street, Somersworth, NH 03878 which was contained in OSHA inspection number 980629.*

*Ken Stanley DBA A+ Roofing previously committed a serious violation of this standard on January 6, 2004, with respect to a workplace located at 338 Route 4, Northwood, NH 03261 which was contained in OSHA inspection number 306944810.*

*To abate this violation, the employer must ensure that all employees are adequately trained in regards to fall hazards.*

*(continued on next page)*

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 12/20/2016



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

*(continued from previous page)*

*Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including and explanation of how these steps protect employees from fall hazards.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/10/2017
Proposed Penalty:	\$10974.00

A handwritten signature in dark ink, appearing to read "Rosemarie O. Cole".

Rosemarie O. Cole  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
53 Pleasant Street  
Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Ken Stanley, dba A+ Roofing  
**Inspection Site:** 33 and 38 Longfellow Drive, Bethlehem, NH 03574  
**Issuance Date:** 12/20/2016

Summary of Penalties for Inspection Number	1165893
Citation 1, Serious	\$3920.00
Citation 2, Willful	\$148936.00
Citation 3, Repeat	\$21948.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$174804.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Rosemarie O. Cole  
Rosemarie O. Cole  
Area Director

12/20/16  
Date

# EXHIBIT J

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent to **Ken Stanley**  
**A+ Roofing**  
**P. O. Box 983**  
**Milton, NH 03851**

City/State/ZIP+4 **Milton, NH**

PS Form 3800, April 2010 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 9.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>[Name]</i></p> <p>C. Date of Delivery <i>10-26-16</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><b>Ken Stanley</b>  <b>A+ Roofing</b>  <b>P. O. Box 983</b>  <b>Milton, NH 03851</b></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Registered Mail</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p><b>7016 1970 0001 1865 3621</b></p>	<p>4. Restricted Delivery</p>
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

# EXHIBIT K

**U.S. Department of Labor**

Occupational Safety and Health Administration  
53 Pleasant Street Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



March 01, 2017

Ken Stanley, dba A+ Roofing  
P.O. Box 983  
51 Charles St.  
Milton, NH 03851

Inspection Number : 1165893  
Due Date : 01/23/2017  
Delinquent Date : 02/23/2017

Dear Employer:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on 12/20/2016. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six (6) percent a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the U.S. Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:



A review of our records indicates that you have paid:	\$0.00
The current unpaid balance of the total penalty assessed is:	\$174,804.00
The current total of interest accrued is:	\$145.67
The current total delinquent is:	\$0.00
The current charge for administrative cost is:	\$10.00
TOTAL AMOUNT NOW DUE :	\$174,959.67

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is as follows:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact your local OSHA Area Office in the header section above.

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,



Rosemarie O. Cole  
Area Director

# EXHIBIT L



DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address (es):

Kenneth Stanley (d.b.a. A-Plus Roofing)  
51 Charles Street  
Milton, NH 03851

Treasury Claim No. TRFM1702055212

**Total debt due United States as of February 4, 2020:**

Principal: \$174,804.00  
Interest (@1.0%,): \$ 4,706.14  
Penalty (@6.0%,): \$ 27,362.81  
Admin.: \$ 20.00  
Treasury & DOJ fees: \$ 70,386.27  
(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527)  
**TOTAL: \$277,279.22**

I certify that the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with seven workplace safety violations under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq. and OSHA regulations at 29 C.F.R. 1926 as noted during a July 7, 2016 OSHA inspection of debtor's 33 and 38 Longfellow Drive, Bethlehem, New Hampshire work-site.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Department of Labor, Occupational Safety and Health Administration.

Date:

2/4/20

A handwritten signature in black ink, appearing to read "Regina Crisafulli", written over a horizontal line.

Regina Crisafulli  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

# EXHIBIT M

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
53 Pleasant Street  
Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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## Citation and Notification of Penalty

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**To:**  
Ken Stanley, dba A+ Roofing  
and its successors  
P.O. Box 983  
51 Charles St.  
Milton, NH 03851

**Inspection Number:** 1165893  
**Inspection Date(s):** 07/07/2016 - 07/07/2016  
**Issuance Date:** 03/22/2017

**Inspection Site:**  
33 and 38 Longfellow Drive  
Bethlehem, NH 03574

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For *Willful and Repeat* violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as *Serious* and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/22/2017. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET****Inspection Number: 1165893**

Company Name: Ken Stanley, dba A+ Roofing  
 Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574  
 Issuance Date: 03/22/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
 By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Typed or Printed Name

\_\_\_\_\_  
 Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 03/22/2017



**Citation and Notification of Penalty**

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574

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**Citation 4 Item 2** Type of Violation: **Other-than-Serious**

29 CFR 1903.19(o)(1): Within 10 calendar days after the abatement date, the employer must certify to OSHA (the Agency) that each cited violation has been abated, except as provided in paragraph (o)(2) of this section:

- a. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 1 Item 1, nor did they respond to the progress report letter sent March 2, 2017.
- b. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 1 Item 2, nor did they respond to the progress report letter sent March 2, 2017.
- c. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 2 Item 2, nor did they respond to the progress report letter sent March 2, 2017.
- d. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 2 Item 3a, nor did they respond to the progress report letter sent March 2, 2017.
- e. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 2 Item 3b, nor did they respond to the progress report letter sent March 2, 2017.
- f. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 3 Item 1, nor did they respond to the progress report letter sent March 2, 2017.

(Continued on next page)

\* See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 1165893  
Inspection Date(s): 07/07/2016 - 07/07/2016  
Issuance Date: 03/22/2017



**Citation and Notification of Penalty**

**Company Name:** Ken Stanley, dba A+ Roofing  
**Inspection Site:** 33 and 38 Longfellow Drive, Bethlehem, NH 03574

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(Continued from previous page)

g. The employer did not furnish the abatement required for citations issued within 10 calendar days for Citation 3 Item 2, nor did they respond to the progress report letter sent March 2, 2017.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

03/28/2017  
\$406.00

A handwritten signature in cursive script, appearing to read "Rosemarie O. Cole", written over a horizontal line.

**Rosemarie O. Cole**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

Company Name: Ken Stanley, dba A+ Roofing  
Inspection Site: 33 and 38 Longfellow Drive, Bethlehem, NH 03574  
Issuance Date: 03/22/2017

Summary of Penalties for Inspection Number	1165893
Citation 4, Other-than-Serious	\$406.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$406.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Rosemarie O. Cole

Rosemarie O. Cole

Area Director

3/22/17

Date

# EXHIBIT N

**Kidder, Chris - OSHA**

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**From:** UPS Quantum View <pkginfo@ups.com>  
**Sent:** Wednesday, May 03, 2017 10:23 AM  
**To:** Kidder, Chris - OSHA  
**Subject:** UPS Delivery Notification, Tracking Number 1ZX105W30398226546



**Your package has been delivered.**

**Delivery Date:** Wednesday, 05/03/2017  
**Delivery Time:** 10:20 AM



[Set Delivery Instructions](#)

[Track Package Status](#)

[View Delivery Planner](#)

At the request of DOL-OSHA-REG1-FA0104 this notice alerts you that the status of the shipment listed below has changed.

## Shipment Detail

<b>Tracking Number:</b>	<b><u>1ZX105W30398226546</u></b>
<b>Ship To:</b>	A+ Roofing 51 CHARLES ST MILTON, NH 03851 US
<b>UPS Service:</b>	UPS GROUND
<b>Number of Packages:</b>	1
<b>Package Weight:</b>	1.0 LBS
<b>Delivery Location:</b>	PORCH
<b>Reference Number 1:</b>	#s 1157149 and 1165893

*Receipt Confirmation*

# EXHIBIT O



U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration  
 J. C. Cleveland Federal Building  
 53 Pleasant St., Room 3901  
 Concord, New Hampshire 03301  
 Telephone: (603) 225-1629  
 FAX: (603) 225-1580



August 16, 2017

Ken Stanley, dba A+ Roofing  
 P.O. Box 983  
 51 Charles St.  
 Milton, NH 03851

Inspection Number : 1165893  
 Due Date : 05/25/2017  
 Delinquent Date : 06/25/2017

Dear Mr. Stanley:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on 12/20/2016. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six (6) percent a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the U.S. Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid:	\$0.00
The current unpaid balance of the total penalty assessed is:	\$406.00
The current total of interest accrued is:	\$0.68
The current total delinquent is:	\$0.00
The current charge for administrative cost is:	\$10.00
<b>TOTAL AMOUNT NOW DUE :</b>	<b>\$416.68</b>




Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the [pay.gov](http://pay.gov) homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is as follows:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact your local OSHA Area Office in the header section above.

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,



Rosemarie O. Cole  
Area Director

# EXHIBIT P



DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address (es):

Kenneth Stanley (d.b.a. A-Plus Roofing)  
51 Charles Street  
Milton, NH 03851

Treasury Claim No. TRFM22692203

Total debt due United States as of February 4, 2020:

Principal: \$406.00  
Interest (@1.0%,): \$ 10.69  
Penalty (@6.0%,): \$ 62.06.  
Admin.: \$ 20.00  
Treasury & DOJ fees: \$ 169.68  
(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527)  
TOTAL: \$668.43

I certify that the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with one workplace safety violation under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq. and OSHA regulations at 29 C.F.R. 1926 as noted during a July 7, 2016 OSHA inspection of debtor's 33 and 38 Longfellow Drive, Bethlehem, New Hampshire work-site.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Department of Labor, Occupational Safety and Health Administration.

Date:

2/4/20

  
Regina Crisafulli

Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

for the

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

V.

Defendant(s)

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.